IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT :

THE HONOURABLE MR. JUSTICE K.M.JOSEPH

WEDNESDAY, THE 30TH MAY 2007 / 9TH JYAISHTA 1929

WP(C).No. 30369 of 2006(M)

PETITIONER:

VADAKARA PRIMARY CO-OPERATIVE AGRICULTURAL AND RURAL DEVELOPMENT BANK, VADAKARA, REPRESENTED BY ITS SECRETARY.

BY ADV. SRI.V.G.ARUN

RESPONDENTS:
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1. THE CO-OPERATIVE TRIBUNAL, TRIVANDRUM.

2. P. RADHAKRISHNAN, PAVOOR HOUSE, THAROPYIL P.O., PONMERI, VADAKARA.

BY ADV. SRI.P.SIVARAJ
GOVT. PLEADER SRI.P.N.SANTHOSH

THIS WRIT PETITION (CIVIL) HAVING BEEN FINALLY HEARD ON 30/05/2007, THE COURT ON THE SAME DAY DELIVERED THE FOLLOWING:

APPENDIX

PETITIONER'S EXHIBITS

EXT.P1	**TRUE COPY OF THE AWARD IN ARC 917 OF 2001-02 DTD. 7-7-04**
EXT.P2	**TRUE COPY OF THE APPEAL MEMORANDUM DTD. 1-10-04**
EXT.P3	**TRUE COPY OF THE ORDER IN A.P.60 OF 2004 DTD. 16-11-05**
EXT.P4	**TRUE COPY OF THE AFFIDAVIT AND PETITION IN A.P.60 OF 2004 DTD. 8-12-05**
EXT.P5	**TRUE COPY OF THE ORDER IN R.A. 4 OF 2006 IN A.P. 60 OF 2004**
EXT.P6	**TRUE COPY OF THE AFFIDAVIT AND PETITION DTD. 13-10-06 IN A.P.NO.60 OF 2004**

/True Copy/

PA to Judge.

K.M.JOSEPH, J.

W.P.(C).No.30369 OF 2006

Dated this the 30th day of May, 2007

JUDGMENT

Petitioner is a Primary Co-operative Agricultural and Rural Development bank which granted a loan to the second respondent. There arose a dispute regarding the interest. Second respondent took the matter to the Assistant Registrar resulting in Ext.P1 award. The bank filed Ext.P2 appeal before the first respondent. By Ext.P3, the appeal was dismissed. Ext.P4 was filed to restore the appeal and that was allowed on condition that the petitioner deposits Rs. 500/-. It appear that there was some communication gap and the amount could not be deposited. Ext.P5 came to be passed for non-compliance of the order. Petitioner therefore preferred Ext.P6 for restoring the application. No decision is taken on Ext.P6.

2. I heard the learned counsel for the petitioner. the

learned counsel for the second respondent and the learned Government Pleader also.

The writ petition is disposed of directing the first respondent to consider and take a decision on Ext.P6 after hearing the petitioner and the second respondent and in accordance with law within a period of two months from the date of receipt of a copy of this judgment.

K.M.JOSEPH
JUDGE

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